



BY AUTHORITY.

[PUBLIC ACTS.]

AN ACT making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for defraying the expenses of the Navy, for the year one thousand eight hundred and twenty-five, the following sums be, and the same are hereby, respectively, appropriated:

For the pay and subsistence of the officers, and pay of the seamen, other than those at Navy Yards, shore stations, and in ordinary, seven hundred and eighty-three thousand five hundred and fifty-four dollars and seventy-three cents.

For the pay and subsistence of officers and others, at Navy Yards, shore stations, and in ordinary, two hundred and seventy-nine thousand three hundred and sixty-four dollars and seventy-three cents.

For provisions, three hundred and fifty-five thousand eight hundred and seventy-five dollars.

For repairs of vessels, and for wear and tear of vessels in commission, four hundred and fifty-thousand dollars.

For improvement and repairs of Navy Yards, one hundred and sixty-five thousand dollars, viz: at Portsmouth, in N. Hampshire, three thousand dollars; at Charleston, in Massachusetts, twenty thousand dollars; at New York, sixty thousand dollars; at Philadelphia twelve thousand dollars; at Washington, forty thousand dollars; at Norfolk, including the purchases of a tract of land for the extension and security of the Navy Yard at that place, thirty thousand dollars.

For ordnance and ordnance stores, thirty-five thousand dollars.

For medicines and hospital stores, thirty-five thousand dollars.

For defraying the expenses which may accrue during the year one thousand eight hundred and twenty-five, for the following purposes: For freight and transportation of materials and stores of every description; for wharfage and dockage; for storage and rent; for travelling expenses of officers, and transportation of seamen; for house rent or chamber money; for fuel and candles to officers, other than those attached to Navy Yards and shore stations; for commissions, clerk hire, office rent, stationary and fuel, to Navy Agents; for premiums and incidental expenses of recruiting; for expenses of pursuing deserters; for compensation to Judge Advocates; for per diem allowance to persons attending courts martial and courts of inquiry; and to officers engaged in extra services beyond the limits of their stations; for expenses of persons in sick quarters; for burying deceased persons belonging to the Navy; for printing and for stationary of every description; for books, charts, nautical and mathematical instruments, chronometers, models, and drawings; for purchase and repairs of steam and fire engines and machinery; for purchase and maintenance of oxen and horses, and for carriages, wheels, and workmen's tools, of every description; for postage of letters on the public service; for pilotage; for cabin furniture for vessels in commission; for taxes on Navy Yards and public property; for assistance rendered to public vessels in distress; for incidental labor at Navy Yards, not applicable to any other appropriation; for coals and other fuel for forgers, foundries, steam engines, and for candles, oil, and fuel; for vessels in commission and in ordinary; and for no other object or purpose whatever—two hundred thousand dollars.

For contingent expenses, for objects arising in the current year, and not herein before enumerated, five thousand dollars.

For pay and subsistence of the Marine Corps, one hundred and eighty-nine thousand eight hundred and sixty dollars and fifty cents.

For clothing for the same, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel for the same, six thousand dollars.

For medicines, hospital stores, and instruments for the officers and marines stationed on shore, two thousand three hundred and sixty-nine dollars and seventy-five cents.

For contingent expenses; that is to say: fuel for commissioned officers, transportation, stationary, bed sacks, straw, extra rations to officers, and postage on public letters, fourteen thousand dollars.

For arrearsages of contingent expenses for the years one thousand eight hundred and twenty-three and one thousand eight hundred and twenty-four, five thousand dollars.

Sec. 2. And be it further enacted, That the several sums hereby appropriated shall be paid out of any money in the Treasury, not otherwise appropriated: Provided, however, That no money appropriated by this act, shall be paid to any person for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: Provided, also, That nothing in this section contained shall be construed to extend to balances arising solely from the depreciation of

Treasury notes received by such person to be expended in the public service; but, in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his Agent, or Attorney, to report forthwith to the Agent of the Treasury Department, the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

H. CLAY,

Speaker of the House of Representatives

JOHN G. AILLARD,

President of the Senate, pro tempore.  
Washington, Feb. 21, 1835: Approved  
JAMES MONROE.

AN ACT making compensation to the persons appointed by the Electors to deliver the votes for President and Vice President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the person appointed by the Electors to deliver to the President of the Senate a list of the votes for President and Vice President, shall be allowed, on delivery of said list, twenty-five cents for every mile of the estimated distance, by the most usual route, from the place of meeting of the Electors to the Seat of Government of the United States, going and returning.

Sec. 2. And be it further enacted, That this act shall take effect from the first of November eighteen hundred and twenty-four.

Washington, Feb. 11th, 1835: Approved.

AN ACT to remit the duties on books, maps, and charts, imported for the use of the Library of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to remit all duties upon such books, maps, and charts, as have been during the present year, or hereafter may be, imported into the United States, by the authority of the Joint Library Committee of Congress, for the Library of Congress.

Washington, Feb. 11th, 1835: Approved.

COM. PORTER AND GEN. VIVES.

A friend in the West India Squadron has favored the Editors of the National Intelligencer with the following copies of a letter addressed by Com. Porter to the Governor of Cuba, on the eve of his departure from that station, with the Governor's Reply. The tone of this reply does not indicate any unfavorable impression on the mind of General Vives, produced by the affair of Faxardo, which must have been well known to him at the time of writing the reply.

U. S. STEAM GALLIOT SEA GULL.  
Havana, January 20th, 1835.

YOUR EXCELLENCY—  
Expecting soon to return to the United States, and intending to retire from the command of the United States vessels, on this station, I embrace this opportunity to offer to your Excellency, on the part of my Government, my sincere thanks for the many facilities and accommodations, the good understanding, and co-operation, I have found through your means among the authorities on every part of the coast of Cuba, in effecting the suppression of Piracy, and in bringing to punishment those enemies of the human race, who have so long infested those seas.

Permit me, also, on my own part, to express to you the satisfaction I have enjoyed, in acting in conjunction with the authorities of Cuba, to effect this common object, and to offer to your excellency assurance of the highest respect and consideration.

I have the honor to be, your  
Excellency's very obt. servant,

D. PORTER.

To his Excellency Don Domingo Vives,  
Captain General of the Island of Cuba, &c.

HAVANA, 22d January, 1835.

I have been very much gratified by the reception of your favour of the 20th inst. thanking me, in the name of your Government, for the assistance, good understanding, and co-operation, that you have met with on the part of the local authorities of this island, in giving aid to the suppression of Piracy, by means of my orders, and bringing to condign punishment the enemies of every civilized nation.

As a principle which governs me, and at the same time, as a duty which I owe to the reiterated orders of my Government, which are in strict accordance with the laws of nature, and the rights of man, I have not ceased, nor will I cease, until I fulfil every order so important an object, as far as depends on my abilities.

I regret, very sensibly, that you are about to retire from the command of the United States' forces in these seas, not only from the able manner in which you have discharged the important duties which have been confided in you, but from the just considerations with which you have always respected the territorial rights of the Island of Cuba. Permit me, Sir, to offer you my acknowledgements, and to avail myself of this occasion to confirm the assurance of my high consideration and esteem.

God preserve you many years.

D. VIVES.

To Com. DAVID PORTER.

The President comm. dated to the Senate of the United States on Thursday, the following letter from the Secretary of the Treasury:

Treasury Department Feb. 16, 1835.

Sec: In conformity with the provisions of the Act of

the 10th Feb. 1820, "An Act to provide for obtaining accurate statements of the foreign Commerce of the United States," I have the honor to transmit herewith the following statements of the commerce and navigation of the United States during the year ending on 30th Sep. 1824. From these statements, it appears that the Imports during the year ending on 30th Sept 1824 have amounted to \$20,549,067, of which amount \$75,265,054 were imported in American vessels, and \$5,283,953 in foreign vessels; that the Exports have during the same period amounted to \$75,986,457, of which \$50,649,590 were domestic, and \$25,337,137 were foreign articles; that of the domestic articles, \$45,444,619 were exported in American vessels; and \$7,204,981 were exported in foreign vessels; and of the foreign articles, \$23,967,087 were exported in American vessels, and \$1,370,870 were exported in foreign vessels; that 820,033 tons of American shipping entered and 919,476 cleared from the ports of the United States; and that 102,367 tons of foreign shipping entered, and 102,552 cleared, from the ports of the United States during the said period.

I have the honor to be, Sir, with great respect, your obedient servant,

WM. H. CRAWFORD.

The President of the Senate.

From the Pittsburgh Gazette.

THE EFFIGY BURNING.

On Tuesday, the 15th inst the Grand Jury of the city of Pittsburgh, under the direction of the Mayor's Court, went into the investigation of the late burning of the effigy of Henry Clay, and on the Friday following, after a laborious inquiry, found a bill for a riot against John McFarland, Robert McFarland, Jonathan McCurdy, John Murphy, George Cochran, Edward Patchell, and William Wright.

On Saturday morning the trial of the cause before the Grand Jury commenced. On Tuesday evening the Jury retired to their room & remained there until Wednesday evening, when they appeared in court, and reported that one of the jurors was very unwell, and that they would never agree. The Court, in consideration of the sickness of the juror, discharged the jury, and ordered this fact to be entered on the minutes of the Court and ordered the defendants to enter into recognizance for their appearance at the next session.

After the jury were discharged, the attorney-general, with leave of the Court, entered a *notice* *prosequi* as to William Wright.

Counsel for the Commonwealth, Messrs. Wilkins atty-genl. and Riddle—Mr. A. S. T. Mountain appeared specially for General Patchell, and Messrs. Snowden, Pins, Kingston, Burke, E. J. Roberts and J. M. Riddle, were counsel for the defendants generally.

Bank of the United States.—Under the head of "Official Document," will be found an account of the latest of the General statements of the Bank of the United States, which were elicited by the motion of Mr. CHAMBERLAIN, calling for them. This statement shows the bank to be in prosperous condition, and doing a good business, as is apparent from the fact that the institution, which has capital stock of 35 million of dollars, is receiving interest upon \$50,258,823 37, of which perhaps forty millions carry an interest of six per cent. This is exclusive of the item of "mortgages," and of others stated as doubtful, and of the interest, if any received, on debts due from the State Banks.

The amount of specie on hand is large, and the amount of notes in circulation small, viz: \$6,081,729, as is ascertained by deducting the amount of "notes on hand" from the amount of "notes issued." The amount of "dividends unclaimed" appears large from the circumstance of the semi-annual dividend having been declared the moment before the date of the Statement.

From the statement of February 3d, 1824, and that of January 6, 1825, we ascertain the following facts, by a comparison of which we shall arrive at results which will still better enable us to judge of the condition of the institution:

	In Feb. 1824.	In Jan. 1825
Ended debt,	10,374,014	13,422,027
Notes issued,	11,671,397	13,234,842
Notes on hand,	6,663,215	7,143,043
Profit & loss & cont int.	271,703	709,733

With these great advantages of the present time over that of a year past, the amount of discounted bills, of all sorts is not lessened two millions of dollars.

Nat. Int.

"Every body, says the Economist, eats walnuts; every body knows how to make a pickle of walnuts; few, however, knew the medical virtue of walnuts. Now the fact is, walnuts when prepared secundum artem, are an excellent opening medicine and alterative; and this is the way to prepare them. Get the green walnuts fit for pickling, put them in a stone jar, filled up with moist sugar, at the proportion of about half a pound of sugar to the score of walnuts; place the jar in a saucepan of boiling water for about three hours taking care that the jar does not get in it, and keep it simmering during the operation. The sugar when dissolved, should cover the walnuts; if it does not, add more. Cover it close and in six months it will be fit for use; the alter it gets the better it is. One walnut is a dose for a child six years of age, as a purgative; and it has this great advantage over drugs, that whilst it is an excellent medicine, it is at the same time very pleasant to the palate, and will be esteemed by the young folks as a great treat.—Who can say as much of salts, jalap, and doctor's stuff and in a large family, I will abridge the doctor's bill ten pounds a year."

## NAVY COMMISSIONERS' REPORT

ON HEMP, CANVASS &amp; CORDAGE.

(Extracts.)

NAVY COMMISSIONERS' OFFICE,

17th November, 1824.

The following observations, relatively to hemp, are taken from the American Farmer, vol. 5, p. 99, and are said to be approved by the experience of practical men, in our own country, particularly Mr. Kip, of Buffalo.

Taken from the American Farmer, Vol. 5.

Hemp is a very hardy plant, resists drought and severe frost, is easier cultivated, less exhausting, and more profitable than many other crops, with which this does not interfere in its cultivation, (except the tobacco crop,) it is sown before, and gathered after, corn, and requires no attention when wheat is sown, harvested, or thrashed. It will grow year after year, on the same ground, on which, if sufficiently rich, it is the surest crop. It is liable to no diseases, and injured by no insects.

THE SOIL.

The soil should be deep, clean, dry, rich and mellow. The plant has a tap root, which descends to a considerable depth, and therefore the soil should be deep, and be thoroughly mellowed by deep and frequent ploughings. Fall ploughing, and two or three ploughings in the spring, together with harrowing, so as to smoothe the surface, (and thereby enable the seed to be sown even, and the hemp to spring up equally, and be out close to the roots,) are preparatory steps to the putting in of the seed.

THE SEED WHEN SOWN.

The seed (to the amount of two bushels per acre, on middling soil, and three on rich ground,) should be sown as early as possible, in the spring after the ground becomes dry and well prepared. Early sowing renders the coat heavier and stronger, enables the hemp to cover the ground early, so as to smother weeds, and, before the sun becomes powerful, to shade the soil, and preserve its moisture. The seed, after being cast as even as possible, should be harrowed in, to as equal a depth as may be, that it may all start together; and a heavy roller should then be passed over, or a brush drawn across, to smoothe the surface, in order that the hemp may be cut close to the roots.

RIPENING AND HARVESTING.

When the hemp becomes fit to be cut, the stalks of the blossom, or male hemp, turn yellow, become a good deal speckled, and drop most of their leaves and if the air is still, a cloud of dust arises from the blossom stalks, and hangs over the field. When sown early, it will be fit to cut about the 1st of August. The above appearance will become indicative of the proper time, and then it should be cut without delay; for if suffered to stand longer, (as about one half of the stalks blossom, and the other half bear seed,) the stalks of the male will wither and blacken, and the coat be of little value; and the female hemp, which has stood to ripen the seed, requires a longer time to rot than the male, and consequently both would be thereby injured. The best way to get seed would be to sow some thinly in a separate patch. The mode of cutting is preferable to that of pulling, a man will cut half an acre per day, and a quarter, pulled; is said to be a day's work. By the former practice, the inconvenience of dust, and the dirt attached to the roots will be avoided. Cut hemp will be worth ten dollars a ton more than the pulled.—Knives, or hooks, for that purpose, may be obtained for about \$1 25 each. When cut, spread the hemp a day or two, to dry it, then bind it, and put it up in sheaves.

WRETTING, (OR ROTTING.)

As soon as harvested, in order to prevent the rains from discolouring it, proceed as early as convenient, to wrett it, by placing it in clean, pure water, formed by a stream spring, or clear pond. If rotted shortly after cutting, about five days are generally required for the purpose. You will be able to judge, by taking out a handful and drying it, and if the stalks of sheaves will shake out, and separate easily from the bark, leaving it clean and entire, the process of wretting is completed. The bark or lint of hemp, is connected with the stalk, by a substance which must be either wretted or dissolved, before they will separate; produce the separation, and the work is accomplished. Experience will be the best criterion. The water in which it is rotted should not run rapidly, as it would in that case, wash away the coat. You may have three or four wagon loads of hemp, to the depth of three or four feet, sunk at a time, but it should be completely submerged, though not suffered to touch the bottom. If separate quantities are put in on several successive days, the days and quantities should be noted, for the purpose of ascertaining which becomes first wretted, and which should, therefore, be first taken up; for, if left in the water a day or two too long, the hemp will be materially injured.

DRESSING AND SECURING.

When rotted, open and spread it, that it may dry soon. The process for breaking and swinging, is the same as that for flax. When it grows too long for dressing (say from eight to ten feet) it may be cut into two equal parts without any injury. Be very particular in keeping the long and short hemp separate, and not have the seed and butt ends put together; be also careful to dress it clean. When dressing it, put twelve handfuls in one hand laying them straight, the length of the hemp. The hand (the first) must not be tied, but bind the heads tight, with

a small band, about one foot from the butt end; it will then be ready to be put into such sized bales as may be suitable. Some bale it into a box, across the bottom of which four ropes are laid to tie the hemp when pressed into it. When packed, it should be perfectly dry, otherwise it will rot.

The following remarks from the "Plough Boy," on the subject of water-rotting in preference to dew-rotting, coincide with the opinion of experienced cultivators. "If the crop is to be dew-rotted and got out by hand, its profits must be comparatively small, because it cannot be thus prepared to command the highest price in market, compete in quality with the Russia hemp, much less drive it from our markets. But, if the American hemp planter be prepared with proper machinery to dress and prepare it, we ought not to doubt, much less to despair, of its ultimately arriving at a perfection in the production and dress of the article, to equal, if not excell, the best samples of Russia hemp."

Memorandum of experiments made by a Manufacturer of hemp.

Two ropes each 2 1-4 inches in circumference, one made of hemp, grown on Connecticut river, and water-rotted, broke with 3,209 lbs. The other, made of clean St. Petersburg hemp, broke with 3,118 do. Another rope, made of Kentucky unrotted hemp, broke with 2,966 do.

This last was 2 1-4 inches also; but it must be observed, that a considerable part of the hemp was damaged very materially in the transportation, and it is highly probable, that the whole of it had suffered some loss of strength.

Thirty yards in each rope.

Extract from the laws of this state relating to FIRE COMPANIES.

[PUBLISHED BY ORDER OF FIRE COMPANY, No. 2.]  
"Sec. 1. It shall be lawful for any number of persons resident within any town or corporation in this Commonwealth, exceeding forty persons, to form themselves into a company or companies, for the purpose of extinguishing fires, who on having their names and subscriptions recorded in the court of the county or corporation where they reside are, authorized to make such rules and regulations as to a majority of said company or companies may seem proper, and necessary for the procuring of Engines, and other necessary implements, for working the said Engines, and for exercising the companies raised; and that all fines and forfeitures for non attendance or delinquency imposed by the said regulations not exceeding five pounds shall be recoverable before a single magistrate on proof of such delinquency; which said fines and forfeitures shall be applied to the purpose of their institutions.

Sec. 2. That where any company or companies already formed or which shall hereafter be formed in any town or corporation within this Commonwealth by virtue of an act of the General Assembly entitled "an Act authorising the establishment of fire companies," it shall and may be lawful for the directors or officers who may be severally constituted to carry the object of the said act into effect, to cause all the free male inhabitants above the age of sixteen years, actually resident in the town or corporation, where such companies are or shall be formed, who have not subscribed to the forming of the same, to be enrolled as composing a part of said company."

## THE SECOND DAYS DRAWING OF Grand Masonic Hall Lottery.

WILL POSITIVELY TAKE PLACE ON MONDAY NEXT,

BEING COURT DAY an early hour will be fixed upon to enable gentlemen from the country to witness the Drawing without being detained in town beyond their usual hour of returning.

## PIKE

The Manager also hopes to receive the increased patronage of the country gentlemen in the disposition of the present class; and doubts not but he will have the pleasure of selling them some handsome Prizes.

March 10.

## By the President of the United States.

In pursuance of law, I, JAMES MONROE, President of the United States, do hereby publish and make known that a public sale will be held at Land Office for the District of Salt River, in the State of Missouri, on the 2d Monday in May next, for the disposal of such lands, now situated within the limits of said District, sold at the Land Office at St. Louis, Mo, which were relinquished to the United States prior to the 1st day of October, 1821, under the provisions of the act of Congress, approved on the 2d day of March 1821, entitled "An act for the relief of the purchasers of public lands prior to the 1st day of July, 1816," which said lands are situated within the following described townships, viz:

West of the 4th principal meridian.  
Townships 49, 50, 51, 52, & 54 of range 1  
49, 50, 51, 52, 53, 54, 55 & 56 of "2  
49, 50, 51, 52, 53, 54, 55 & 56 of "3  
49, 53, 54, 55, 56, & 57 of "4  
49, 54, 55, 56, 57, 58, & 59 of "5  
49, 55, 56, 57, 58, 59, 60 & 61 of "6  
49, 55, 56, 57, 58, 59, 60, 61, & 62 of "7  
49, 54, 55, 56, 57, 58, 59, & 60 of "8  
49, 54, 55, 56, 57, 58, 59, & 60 of "9  
54, 55, 56, 57, 58, 59, & 60 of "1

The sale to commence with the lowest number of section, township, and range, and to be continued in regular numerical order.

Given under my hand, at the City of Washington, this 10th day of January, A. D. 1825.

JAMES MONROE.

By the President.  
GEORGE GLADHAM,  
Commissioner of the General Land Office.  
Printers of the Laws of the United States in Missouri are authorized to publish the foregoing proclamation once a week, until the day of sale.  
P. O. 7, 10, 5, 7, 13.

## JOB PRINTING

Of every description neatly executed at the

OFFICE.



WASHINGTON, March 4th, 1825.

This day, at the appointed hour, JOHN QUINCY ADAMS took the Oath of Office as President of the United States, at the Capitol, and, on the occasion, delivered the following

#### INAUGURAL ADDRESS:

In compliance with an usage coeval with the existence of our Federal Constitution, and sanctioned by the example of my predecessors in the career upon which I am about to enter, I appear, my fellow citizens, in your presence, and in that of Heaven, to bind myself by the solemnities of religious obligation to the faithful performance of the duties allotted to me in the station to which I have been called.

In unfolding to my countrymen the principles by which I shall be governed in the fulfillment of those duties, my first resort will be to that Constitution, which I shall swear, to the best of my ability, to preserve, protect and defend. That revered instrument enumerates the powers, and prescribes the duties, of the Executive Magistrate; and, in its first words, declares the purposes to which these, and the whole action of the Government, instituted by it, should be invariably and sacredly devoted to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of this Union, in their successive generations. Since the adoption of this social compact, one of these generations has passed away. It is the work of our forefathers. Administered by some of the most eminent men who contributed to its formation, through a most eventful period in the annals of the world and through all the vicissitudes of peace and war, incidental to the condition of associated man; it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country so dear to us all; it has to an extent, far beyond the ordinary lot of humanity, secured the freedom and happiness of this people. We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples which they have left us, and by the blessings which we have enjoyed, as the fruits of their labours, to transmit the same, unimpaired, to the succeeding generation.

In the compass of thirty-six years since this great national compact was instituted, a body of laws, enacted under its authority, and in conformity with its provisions, has unfolded its powers, and carried into practice its operations with effective energies. Subordinate departments have distributed the Executive functions in their various relations to foreign affairs, to the expenditures and revenue, and to the military force of the Union, by land and sea. A coordinate department of the Judiciary has expanded the Constitution & the laws; settling, in harmonious coincidence with the Legislative will, numerous & many questions of construction, which the imperfection of human language had rendered unavoidable. The year of jubilee, since the first formation of our Union, has just elapsed; that of the Declaration of our Independence, is at hand. The consummation of both was effected by this constitution.

Since that period, a population of four millions has multiplied to twelve; a territory bounded by the Mississippi, has been extended from sea to sea; new states have been admitted into the Union, in numbers nearly equal to those of the first Confederation; treaties of peace, amity, and commerce, have been concluded with the principal dominions of the earth; the people of other nations, inhabitants of regions acquired, not by conquest, but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings; the forest has fallen by the axe of our woodmen; the soil has been made to teem by the tillage of our farmers; our commerce has whitened every ocean; the dominion of man over physical nature has been extended by the invention of our artists; Liberty and Law have marched hand in hand; all the purposes of human association have been accomplished as effectively, as under any other Government on the globe; and at a cost little exceeding, in a whole generation, the expenditure of other nations in a single year.

Such is the unexaggerated picture of our condition, under a constitution founded upon the republican principle of equal rights. To admit that this picture has its shades, is but to say that it is still the condition of men upon earth. From evil, physical, moral, and political, it is not our claim to be exempt. We have suffered, sometimes by the visitation of Heaven, through diseases; often by wrongs and injustice of other nations, even to the extremities of war; and lastly, by dissensions among ourselves—dissensions, perhaps, inseparable from the enjoyment of freedom, but which have, more than once, appeared to threaten the dissolution of the Union, and with it, the overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various: founded upon differences of speculation in the theory of republican government; upon conflicting views of policy, in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions which strangers to each other are ever apt to entertain.

It is a source of gratification and of encouragement to me, to observe that the great result of this experiment, upon the theory of human rights, has, at the close of that generation by which it was formed, been crowned with success, equal to the most sanguine expectations of its founders. Union, justice, tranquility, the common defence, the general welfare, and the blessings of liberty—all have been promoted by the Government under which we have lived. Standing at this point of time, looking back to that generation which has gone by, and forward to that which is advancing, we may, at once, indulge in grateful exultation, and in cheering hope. From the experience of the past, we derive instructive lessons for the future. Of the

two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit, that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices, to the formation and administration of this Government; and, that both have required a liberal indulgence for a portion of human infirmity and error. The Revolutionary wars of Europe, commencing precisely at the moment when the Government of the United States first went into operation under this Constitution, excited a collision of sentiments and of sympathies, which kindled all the passions, and embittered the conflict of parties, till the nation was involved in war; and the Union was shaken to its centre. This time of trial embraced a period of five and twenty years, during which, the policy of the Union, in its relations with Europe, constituted the principal basis of our political divisions, and the most arduous part of the action of our Federal Government. With the catastrophe in which the wars of the French Revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time, no difference of principle, connected either with the theory of government, or with our intercourse with foreign nations, has existed, or been called forth, in force sufficient to sustain a constituted combination of parties, or to give more than wholesome animation to public sentiment, or legislative debate. Our political creed is, without a dissenting voice that can be heard—That the will of the people is the source, and the happiness of the people, the end of all legitimate Government upon earth—That the best security for the happiness, and the best guaranty against the abuse, of power, consists in the freedom, the purity, and the frequency of popular elections—That the General Government of the Union, and the separate governments of the States, are all sovereigns of limited powers; fellow servants of the same masters; uncontrolled within their respective spheres; uncontrollable by encroachments upon each other—That the firmest security of peace is the preparation, during peace, of the defences of war—That a rigorous economy, and accountability of public expenditures, should guard against the aggravation, and alleviate, when possible, the burden, of taxation—That the military should be kept in strict subordination to the civil power—That the freedom of the press and of religious opinion should be inviolate—That the policy of our country is peace, and the ark of our salvation union, are articles of faith upon which we are all now agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled. If there have been projects of partial confederacies to be erected upon the ruins of the Union, they have been scattered to the winds—If there have been dangerous attachments to one foreign nation and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention, and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation, who have heretofore followed the standards of political party. It is that of discarding every remnant of rancour against each other; of embracing, as countrymen and friends, and of yielding to talents and virtue alone, that confidence which, in times of contention for principle, was bestowed only upon those who bore the badge of party communion.

The collisions of party spirit, which originate in speculative opinions, or in different views of administrative policy, are, in their nature, transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life, are more permanent, and therefore perhaps more dangerous. It is this which gives inestimable value to the character of our Government, at once federal and national. It holds out to us a perpetual admonition to preserve alike, and with equal anxiety, the rights of each individual State in its own government, and the rights of the whole nation in that of the Union. Whatever is of domestic concernment, unconnected with the other members of the Union, or with foreign lands, belongs exclusively to the administration of the State Governments. Whatever directly involves the rights and interests of the federative fraternity, or of Foreign Powers, is of the resort of this General Government. The duties of both are obvious in the general principle, though sometimes perplexed with difficulties in the detail.

To respect the rights of the State governments, is the inviolable duty of that of the Union; the government of every State will feel its own obligation to respect and preserve the rights of the whole. The prejudices, every where too commonly entertained against distant strangers, are worn away, and the jealousies of jarring interests are allayed by the composition & functions of the great National Councils, annually assembled from all quarters of the Union, at this place—Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by whom they are deputed, learn to estimate the talents, and do justice to the virtues of each other. The harmony of the nation is promoted, and the whole Union is knit together, by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship formed between the Representatives of its several parts in the performance of their service at this metropolis.

Passing from this general review of the purposes and injunctions of the Federal Constitution, and their results, as indicating the first traces of the path of duty in the discharge of my public trust, I turn to the administration of my immediate predecessor, as the second. It has passed away in the period of profound peace; how much to the satisfaction of our country, and to the ben-

efit of our country's name, is known to you all. The great features of its policy in general conformance with the will of the Legislature, have been—to cherish peace, while preparing for defensive war—to yield exact justice to other nations, and maintain the rights of our own—to cherish the principles of freedom and of equal rights, wherever they were proclaimed; to discharge, with all possible promptitude the national debt; to reduce, within the narrowest limits of efficiency, the military force; to improve the organization and discipline of the army; to provide and sustain a school of military science; to extend equal protection to all the great interests of the nation; to promote the civilization of the Indian tribes; and to proceed in the great system of internal improvements, within the limits of the constitutional power of the Union.

Under the pledge of these promises made by that eminent citizen, at the time of his first induction to this office, in his career of eight years, the internal taxes have been repealed; 40 millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the Revolution; the regular armed force has been reduced, and its constitution revised and perfected; the accountability for the expenditure of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific Ocean; the independence of the southern nations of this hemisphere has been recognized and recommended by example and by counsel, to the potentates of Europe; progress has been made in the defence of the country, by fortifications, and the increase of the navy; towards the effectual suppression of the African traffic in slaves; in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind in exploring the interior regions of the Union; and in preparing by scientific researches and surveys, for the further application of our national resources to the internal improvement of our country.

In this brief outline of the promise and performance of my immediate predecessor, the line of duty, for his successor, is clearly delineated. To pursue, to their consummation, purposes of improvement in our common condition, instituted or recommended by him, will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity, who are, in future ages to people this continent, will derive their most fervent gratitude to the founders of the Union; that, in which the beneficent action of its Government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient Republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived, thousands of years, after all her conquests have been swallowed up in despotism or become the spoil of Barbarism. Some diversity of opinion has prevailed with regard to the powers of Congress for Legislation upon objects of this nature. The most respectful deference is due to doubts, originating in pure patriotism, and sustained by venerated authority. But nearly twenty years have passed since the construction of the first National Road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it proved an injury? Repeated liberal and candid discussions in the Legislature have conciliated the sentiments, and approximated the opinions of enlightened minds upon the question of Constitutional power. I cannot but hope that by the same process of friendly, patient and persevering deliberation, all constitutional objections will ultimately be removed. The extent and limitation of the powers of the General Government in relation to this transcendently important interest, will be settled and acknowledged, to the common satisfaction of all; and every speculating scruple will be solved by a practical public blessing.

Fellow citizens, you are acquainted with the peculiar circumstances of the recent election, which have resulted in affording me the opportunity of addressing you, at this time. You have heard the exposition of the principles which will direct me in the fulfillment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence, in advance, than any of my predecessors, I am deeply conscious of the prospect that I shall stand more and oftener in need of your indulgence, intentions upright and pure; a heart devoted to the welfare of our country, and the unceasing application of all the faculties allotted to me, to her service are all the pledges that I can give for the faithful performance of the arduous duties I am to undertake. To the guidance of the Legislative Councils; to the assistance of the Executive and subordinate Departments; to the friendly co-operation of the respective State Governments; to the candid and liberal support of the People, so far as it may be deserved by honest industry and zeal, I shall look for what ever success may attend my public service; and

knowing that, except the Lord keep the City, the watchman waketh but in vain; with fervent supplications for his favor, to his overruling Providence I commit, with humble but fearless confidence, my own fate, and the future destinies of my country.

#### AN ACT,

To provide for the opening and keeping in repair the Public Roads in the county of Fayette.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the county court of the county of Fayette at their county court holden in the month of January, in every year, to appoint three fit and proper persons, residents of said county, and not being justices of said county, commissioners of the public roads in said county who shall continue to act one year unless removed for good cause by the county court. The county court shall have power to fill all vacancies that may happen by death, removal from office, or any cause whatever in the said board of commissioners.

2. Be it further enacted, That it shall be the duty of the county court, at the said January term in every year, or as soon thereafter as they shall form a court, if from any cause they shall fail to do so in January, to lay a county levy upon the taxable property of the citizens of the county, according to the principle of taxation adopted and prescribed by the revenue laws of the state, equal to the estimation of said court, to the opening and keeping the public roads in repair; which said levy shall be exclusively applied to said purpose, and shall be collected by the proper officer for collecting the county levy, and be accounted for and paid in such manner as the said officers are directed to collect and account for the county levy in other cases; and the said officers shall be liable to the same actions, prosecutions, suits and judgments, and to the same penalties that sheriffs or other collectors are now liable to, for a failure of duty in the collecting and accounting for, and paying over the county levy for other purposes, and receive the same commissions and fees, for collecting and paying over the same.

3. And be it further enacted, That it shall be the duty of said county court, at their said session held in the month of January of every year, to designate which of the county roads, (not exceeding at one time, three in number) shall be prepared by levelling and paving the same with stone.

4. And be it further enacted, That the commissioners, or any two of them so appointed, shall constitute a board to transact business; and it shall be the duty of said commissioners to superintend the roads of said county, and to direct such improvements in any or all of them, as they may deem necessary for the public good, and practicable with the means afforded them by the county court as aforesaid. And to enable them to do so, it shall and may be lawful for them to hire by the year, or any shorter period, such number of hands, and to employ suitable persons to overlook and superintend them, as they may deem necessary and the means of payment will allow; and from time to time, to designate the nature and extent of improvements upon each and every road in the county; to acquire, by purchase, or otherwise, the necessary horses, cattle, tools and provisions to carry on the said public work, and to rent or lease such tenement or tenements as they may deem proper and necessary for the residences of the said hands; and over-seers by them employed. The said commissioners, or a majority of them shall, from time to time have power to change or alter any of said roads, subject to the revision and decision of the county court, upon the application of any person who may be aggrieved by any such alteration, who shall in all cases of such application be governed by the laws now in force, relative to public roads, in assessing damages to the party aggrieved; and to enable such proprietors of land, as may be affected by the change or construction of any road to seek redress, it shall be the duty of the commissioners, to serve such proprietors, if within the county, with a notification of the alterations, or site of the new road proposed; and should such proprietors not reside in the county, then to serve such notice upon their agent, (if within the county) or tenant, if any there be upon the land; and if no objection is made within two months, to opening or changing the road, the said commissioners may proceed to open or change; but if any proprietors, without his assent to the alteration, or construction of a new road, apply for a writ of ad quod damnum it shall be the duty of the sheriff, by a jury, to assess the damages as heretofore; in doing which the jury shall ascertain what damage the complaining party will sustain, over the advantage which he will derive by a change in, or the construction of the road, as proposed, and give a verdict for such damages only; which damages shall be paid him as compensation by the commissioners out of the county funds in their hands; but no damages shall be assessed or given to any one for the changing an old road from of the proprietor's land, or for discontinuing any road altogether; and where any proprietor will derive any benefit by the change of a road from where it may run, in one point of his tract, but be injured in another part of his land, the jury shall make a just estimate of the benefits, and deduct them from the damages resulting by any such change. Every person, who shall be served with a notice of a change or alteration, made or intended to be made, who shall not apply to the county court to reverse or change the determination of the commissioners within six months, next after such service, shall be barred thereafter from making such application, or prosecuting any appeal or writ of error whatever. And the county court aforesaid, the better to enable them to carry into effect the improvements of their said roads, may acquire and hold to themselves and their successors, by donation or otherwise, property real and personal, not exceeding one hundred thousand dollars, at any one time; the whole of the issues and such part of the principal as the said county court or the Legislature may prescribe, to be applied to the improvement of the public roads of said county. And as a further fund to keep said roads in repair, the said county courts may establish turnpike gates, and reserve and take such toll, as may be considered by them just and proper; subject however, to such laws as the Legislature may at any time deem it proper to pass, regulating and fixing such tolls, or abolishing them altogether.

[The two following paragraphs, marked in italics were omitted in the bill as published in the Reporter.]

And whereas, it is represented to the present General Assembly, that it is of great importance to the said county of Fayette, and the town of Lexington, that a good road should be constructed from Lexington to Cleveland on the Kentucky river, as soon as practicable; and that the citizens of said town and county, are desirous to effect a loan to enable them to accomplish that object,

5. Be it therefore enacted, That it shall and may be lawful for the county court to borrow upon the faith and pledge of the county levy of said county, any sum, not exceeding fifty thousand dollars, at an interest of six per cent per annum; provided however, That not less than a majority of the whole court, shall be sufficient to make or conclude a contract for such loan.

Sec. 6. And be it further enacted, That all contracts and agreements made in pursuance of this act shall be in the name of the county court of Fayette, and all bonds or notes given to or by said

county court, may be prosecuted and sued on, in the same manner as is provided for, in the cases of their persons.

Sec. 7. And be it further enacted, That the law in force for repairing or stopping highways, and for not keeping them in repair, shall remain in force in said county, except that any presentment or indictment for not keeping the roads in repair, shall be against the commissioners instead of the surveyor.

Sec. 8. Be it further enacted, That the commissioners appointed under this act, shall each of them receive a salary not exceeding one hundred dollars per annum, and shall continue in office until their successors shall be duly qualified, and shall moreover each take an oath in the county court aforesaid, or before some justice of the peace of said county, faithfully to discharge the duties of commissioners of the public roads of the county of Fayette, so long as they continue to act as such.

Sec. 9. Be it further enacted, That it shall be the duty of the commissioners to keep and preserve a true record of their proceedings, and to submit the same to the county courts at their sessions in the months of July and January in every year, for their approval; and the county courts shall, as to all said commissioners reports that relate to the alterations of roads, or the construction of new roads, or the discontinuance of old roads, which shall be so approved, cause a record to be made and kept by their clerk.

The said commissioners shall also at the said county courts, jointly or severally, render to the county a faithful account of their expenditures, and of the probable expenses of the whole year. And it shall be the duty of the said commissioners & each of them, to pay to the order, or any agent appointed for the purpose, any money remaining in their hands; and on failure to do so, it shall be lawful for the county court to recover the same by motion to the circuit court of Fayette county; provided they give to such delinquent ten days previous notice of the motion. Said commissioners shall each of them, on going out of office, surrender to their successors, or to any other agent appointed by the county court for the purpose, possession of all property, real and personal, in their possession and on failure to do so, shall be liable to the action of the said county court, and if a verdict shall be found against them, or either of them, they or such one found delinquent, shall pay in addition to the said finding, fifty per cent thereon in damages.

Sec. 10. And be it further enacted, That the overseers or managers and other agents employed in working on the road and proving delinquent in accounting for, and paying over any money, or in surrendering any property real or personal, shall be subject to the like actions and remedies that the commissioners are.

Sec. 11. And be it further enacted, That for all sums due from the county court, for labour done or performed by the commissioners, or other persons employed in working on the road, above fifty dollars, the said county court shall be liable to pay the same, by motion to the circuit court of the county as aforesaid: Provided notice of such motion is served upon the presiding justice of said court for the time being; and for all sums under fifty dollars, the said county court shall be liable by warrant in like cases; which judgments may be collected by writs of fi. fa. to be levied upon any property the county court may hold under this act.

Sec. 12. And be it further enacted, That it shall and may be lawful for the commissioners aforesaid, whenever the public interest in their opinion will justify it, to make special contracts for keeping in repair, or constructing any alterations in the public roads, where they may not have a sufficiency of hands to spare from other roads to work.

Sec. 13. And be it further enacted, That the county court may in aid of the tax or levy aforesaid, levy a further reasonable tax upon the tythes of the county, as heretofore; and should the county court omit any of the duties enjoined on them by this act, at the sessions prescribed, it shall be no bar to their proceeding to discharge them at any subsequent session, at which a quorum to do the business shall be formed.

#### Communications.

To the Editor of the Kentucky Gazette.

SIR,

In casting my eyes over the Reporter of the 7th Instant, my attention was arrested by a Communication from Mr. Robert Wickliffe, purporting to be a copy of the "Bill" intended to change the mode of working and keeping in repair the highways of Fayette;—and accompanied by a request to "other printers friendly to communicating correct information" to publish it in their papers. It is to be regretted that this high minded and honorable Statesman, actuated, as he at all times professes to be, by the most pure and patriotic motives, had not, when about to furnish "correct information" for the benefit of the people of Fayette, thought of the obligation which he has often imposed upon a witness in Court, to tell the whole truth, and nothing but the truth. The bill as published in the Reporter, differs materially, from the one introduced into the House of Representatives by Mr. Wickliffe, and which, at his request, was printed at the public expense for the information of the members. I have for my own satisfaction, compared them together, and find that the 5th section of the original bill is entirely omitted, and in lieu of it another provision substituted, totally different in its character. An additional section is also added to the Reporter Bill, the effect of which is to postpone the operation of the act until the first of January 1826, instead of going into effect, immediately after its passage, as originally intended.

The 5th Section of the original Bill, for which Mr. Wickliffe has furnished a substitute in the Reporter, closed the County Court of Fayette with power to borrow upon the faith and pledge of the County Levy, any sum not exceeding \$50,000, to be exclusively appropriated to the paving of a road from Lexington to Cleveland on the Kentucky river. The substitute merely relates to the duty of the Commissioners to fix the rates of ways to lands which may be furnished by persons who prefer paying their road tax in labour.

For the better understanding of this subject, it may be useful, sir, to trace its progress in the House of Representatives. On the 10th of November, it appears from the Journal, that upon the motion of Mr. Wickliffe leave was given to bring in the bill. On the 16th he introduced it, had it read the first time, and ordered to be printed for the use of the members. On the 15th December it was read a second time, and committed to Mr. Wickliffe and his colleagues. On the 24th he reported it to the House, with amendments, when it was ordered to be read a third time on the Monday following. However this was not done and the bill without another effort on the part of its friends, was suffered quietly to slumber on the table, for the balance of the session, among a mass of unfinished business.

It is highly probable that the Bill as published in the Reporter, is in the shape in which Mr. Wickliffe reported it to the House on the 24th December. Still, it is thereby rendered less objectionable, it does not appear to the writer of this Communication that Mr. Wickliffe ought to have any credit for it. He suffered it to lie a whole month on the Clerk's table, without offering any amendment—and when it is recollected with what pertinacity that gentleman adheres to every proposition he brings forward, it is very questionable whether he would have suffered a comma to be altered in the bill, but for an incident which occurred a few days before he moved its commitment to a select committee for the purpose of amendment. One of Mr. Wickliffe's colleagues had been home, and returned with information, that such was the excitement in the



...of Fayette against the bill that even Thomas Jefferson could not sustain him of there, he is, in fact, in the wrong. We are here told that the constitution is ordained, that is, has been ordered or appointed, that was left to the Legislature to execute. This explanation at once solves the difficulty which the judges in their address have endeavored to produce, by a misconstruction of the clause in the constitution and a misstatement with regard to the immediately succeeding act of the Legislature. That act which purports to be an act establishing the court of appeals, so far from being in conflict with the constitution is in direct obedience to its mandate, and a necessary consequence of the provision which it is said to violate. But when our late judges have said, that the power to create involves the power to abolish and when the supreme court have declared that the Legislature had the power to create the court of appeals; it would seem that if their late honours were as willing to relinquish their own interests as they were those of the state to the authority of that tribunal when in the case of the Commonwealth vs. the officer of the Bank they pretended to lay against their opinion the right of the state to tax that institution there would surely be no further contest in the country. The late judges would retire to the enviable ease and privacy which they court; and which they say it is at once their inclination and interest to enjoy. The authority of the supreme court would surely be sufficient to shield them from the reproach which they seem to apprehend that they did not retreat by the unauthorized "mandate" of the representatives of the people, but by the authority of a tribunal which they have acknowledged to be the dispenser of the paramount law. The decision already announced, and the rules of construction furnished by their late address will not permit them to employ the slightest equivocation to escape the force of the doctrine advanced in the opinion of the supreme court. They have told us in their appeal to the public, that "it is a rule of reason and common sense as well as common law that whenever the same language is used in different parts of the same instrument it must receive the same construction." Now in reply to this opinion of the supreme court, it would be possible that their late honours might prevaricate but for this rule of construction which they have so unluckily furnished against themselves. They might possibly say, that the chief justice did not employ the word create in the full sense in which it was applicable to the inferior courts. But in this poor equivocation they are stopped by their own admission. For in this very decision in which the act establishing the supreme court is *thrice* spoken of as having created the court, the chief justice *thrice* mentions the acts of the Legislature establishing the inferior courts, as having *created* those courts. In one place he says "such power is implied in the act by which the court of Orleans is created" and in another he says "the words used in the law creating the court of Orleans" and in the third he speaks of "the reference made in the law creating the court for the territory of Orleans to the court of Kentucky". These fragments of sentences are quoted from the decision (the context is unnecessary) merely to show, that it is distinctly admitted by the decision that the Legislature has the same power of creating the superior as well the inferior courts, and that the same language is employed in designating the authority when exerted.

# DETECTOR. LA FAYETTE.—No. 3. TO THE PEOPLE.

THE ADDRESS OF THE LATE JUDGES OF THE FORMER COURT OF APPEALS.

In a former paper the exposition given by the late Judges, to the clause in the constitution from which they pretend to derive their offices, was shown to be erroneous, if expounded upon the principles of strict grammatical construction, or by the ordinary acceptance in which it would be taken by any plain unlettered man. It was shown that the late judges in the attempt made by them, to sustain their forced construction by appealing to the acts of the Legislature on this subject which immediately succeeded the formation of the constitution, had not merely misconstrued the acts but that they had falsified them by suppression; and that the whole when produced from the statute book and journals in the most direct terms contradicted the assertions that they had made, and proved beyond all question the fact, that every individual member of the Legislature believed that the general assembly had power to establish a court of appeals. It was shown too that the precedent of our own Legislature was supported by an act of the Legislature of Maine as late as the year 1819, the constitution of which state is precisely like our own, and by a still more recent act of the Legislature of South Carolina. But legislative enactments here as elsewhere, we have known for years, have not been considered by our late Judges, as having much weight in the scale of authority; and the instances which have been referred to, would not have been relied on in a controversy with their late honours (for surely I may consider the title extinct however it may fare with their power) if they had not condescended to notice some of them for the purposes of perversion. Arguments founded on judicial authority will no doubt be found much more congenial and prevailing with their minds; and amidst all the stores which this fruitful department can furnish, full as it is of principle and precedent, *arum* and *argumentum dicta*, & *dictationes*, where would one look with such hopes of success in the effort to bring conviction home, as to the doctrines avowed by these very ex-judges, when sealed by a decision of the supreme court of the U States; a power to which they bow, even where their own judgments are contravened by the submission!

The late Judges in their address declare that "when the Legislature has power to create a court they have no doubt power to abolish it, and when they abolish one, they may create another with the same style and jurisdiction and they may again abolish the latter and establish a third in its place and so on in endless succession". In a subsequent part of the same address they admit that "the constitution of the United States uses the same language with ours, on the subject of the Judiciary". Now if after these admissions on the part of their late honours which are indeed incontrovertible, it should be shown that chief justice Marshall in delivering an opinion adopted by the whole supreme court, has given the sanction of that tribunal to authorise the assertion that the supreme court of the union is created by an act of Legislation and not by the constitution, it seems that the argument must be closed, by an authority which they recognise as paramount. In the case of Du Rousseau against the United States a question arose on the subject of the appellate power of the supreme court. The counsel contended to use the language of the court, that "the words of the constitution vests an appellate jurisdiction in this court which extends to every case not excepted by Congress; and that if the court had been created without any express definition or limitation of its powers, full and complete appellate jurisdiction would have been vested in it which must have been exercised in all cases whatever." To this opinion of the counsel the court responded and say "the force of this argument is perceived and admitted; had the judicial act created the supreme court without defining or limiting its jurisdiction, it must have been considered as possessing all the jurisdiction which the constitution assigns to it. THE LEGISLATURE WOULD HAVE EXERCISED THE POWER IT POSSESSED OF CREATING A SUPREME COURT AS ORDAINED BY THE CONSTITUTION, and in omitting to exercise the right of exception from its constitutional powers, would have necessarily left those powers undiminished". The court go on afterwards to show that the powers which it might have derived from the constitution had been limited by the act of the Legislature which created the court, and either not by the express letter of the law, yet so entirely do they consider the powers of the court to be under the control of the Legislature that they say because an implication to that effect is to be inferred from the act, the jurisdiction of the court is therefore to be restricted within narrower limits than would be allowed by the constitution. Now what do we find in this concise detail? We find the most learned & able counsel of our country advancing the doctrine that the supreme court was created by statute and not by the constitution, and the whole court itself in the most unhesitating manner, and express terms admitting the position taken at the bar. But it does not stop there. The chief justice goes on with his usual talent of discrimination to point out in the aptest phraseology, the true distinction between the act of the Legislature, and the constitutional act in relation to the supreme court. The first he says exercises the power of creating a supreme court as ordained by the constitution. Is not this at once the most unequivocal declaration of the opinion of the court on this subject and the clearest manifestation of the separate offices assumed in respect to the judiciary department, by the constitution and the Legislature. To use the legal terminology the one *ordains*, constitutes, appoints and empowers, the other to create a supreme court. "They are quoted with the word *ordained*" from the great forms and instruments in which it is employed in other branches which usually accompany, and are intended to explain it, with a view to show the exact technical sense in which it is used by the chief justice. The word *ordained* as distinguished in the opinion of the chief justice from the word *create* carries with it most clearly that technical meaning in which it is employed to convey, in legal documents a delegation of authority. Here then we have by the highest judicial authority of our country, the plainest interpretation of that clause in

our constitution which our own judiciary and their retainers of the bar have laboured for their own peculiar interest to render obscure and embarrassed. We are here told that the constitution is ordained, that is, has been ordered or appointed, that was left to the Legislature to execute. This explanation at once solves the difficulty which the judges in their address have endeavored to produce, by a misconstruction of the clause in the constitution and a misstatement with regard to the immediately succeeding act of the Legislature. That act which purports to be an act establishing the court of appeals, so far from being in conflict with the constitution is in direct obedience to its mandate, and a necessary consequence of the provision which it is said to violate. But when our late judges have said, that the power to create involves the power to abolish and when the supreme court have declared that the Legislature had the power to create the court of appeals; it would seem that if their late honours were as willing to relinquish their own interests as they were those of the state to the authority of that tribunal when in the case of the Commonwealth vs. the officer of the Bank they pretended to lay against their opinion the right of the state to tax that institution there would surely be no further contest in the country. The late judges would retire to the enviable ease and privacy which they court; and which they say it is at once their inclination and interest to enjoy. The authority of the supreme court would surely be sufficient to shield them from the reproach which they seem to apprehend that they did not retreat by the unauthorized "mandate" of the representatives of the people, but by the authority of a tribunal which they have acknowledged to be the dispenser of the paramount law. The decision already announced, and the rules of construction furnished by their late address will not permit them to employ the slightest equivocation to escape the force of the doctrine advanced in the opinion of the supreme court. They have told us in their appeal to the public, that "it is a rule of reason and common sense as well as common law that whenever the same language is used in different parts of the same instrument it must receive the same construction." Now in reply to this opinion of the supreme court, it would be possible that their late honours might prevaricate but for this rule of construction which they have so unluckily furnished against themselves. They might possibly say, that the chief justice did not employ the word create in the full sense in which it was applicable to the inferior courts. But in this poor equivocation they are stopped by their own admission. For in this very decision in which the act establishing the supreme court is *thrice* spoken of as having created the court, the chief justice *thrice* mentions the acts of the Legislature establishing the inferior courts, as having *created* those courts. In one place he says "such power is implied in the act by which the court of Orleans is created" and in another he says "the words used in the law creating the court of Orleans" and in the third he speaks of "the reference made in the law creating the court for the territory of Orleans to the court of Kentucky". These fragments of sentences are quoted from the decision (the context is unnecessary) merely to show, that it is distinctly admitted by the decision that the Legislature has the same power of creating the superior as well the inferior courts, and that the same language is employed in designating the authority when exerted.

But it was unnecessary to bring this demonstration from the high authority whence it is derived to encounter the "poor likelihoods" which the late judges have been enabled to shape out by cutting the constitution to pieces. It is only necessary to bring together the dismembered parts, & the collected light of the constitution itself will dispel the shadows which its honourable expositors have conjured up from latent meanings, imputed to its most indefinite & ambiguous clauses. To judge from the triumphant style in which it is urged, the following argument of the address is considered by its authors as itself sufficient to ensure them a decisive victory—"no one" say they "has yet had the hardihood to contend that either the General Assembly or the office of governor was not created by the constitution, and if he conceded that they were thus created it inevitably follows that the court of appeals is created by the same power. If when the framers of the constitution say the Legislative power shall be vested in two distinct branches or houses, which shall be styled the General Assembly—and if when they again say the supreme executive power shall be vested in a chief Magistrate who shall be styled the governor, they have thereby created the office of Governor, upon what ground can it be urged when they say the judicial power of the commonwealth shall be vested in one supreme court, which shall be styled the court of appeals, that they did not thereby create the court of appeals. It must and it does inevitably follow that they have created all or neither."—The simple answer to all this is, that neither the executive, Legislative, nor Judiciary departments are established by the clauses quoted, and to prove it I appeal to the constitution itself. The instrument in the threshold declares the separation of the powers of Government in the following words to wit—"The powers of the government of the state of Kentucky shall be divided into three distinct departments and each of them be confided to a separate body of magistracy to wit: those which are Legislative, to one, those which are Executive, to another, and those which are Judiciary to another." It then in first section of the several articles relative to each gives the style of the functionaries or body of magistracy to which the power is to be committed. Thus in the article on the Legislative departments the 1st clause says "the Legislative power of this commonwealth shall be vested in two distinct branches the one to be styled the house of Representatives, the other the senate and both together the general assembly of the commonwealth of Kentucky." But does this clause create the department? Does it provide the body of magistracy of which the constitution speaks and in which the actual existence of the department can alone be displayed, in which alone it can consist? No, it is apparent that no body of magistracy is here provided; and yet I admit that both the Legislative and Executive departments are enacted and established by the constitution & from this circumstance it will be made obvious that the judiciary is not created by it. The preliminary clauses quoted by the judges have ever not the slightest agency in creating either, its more formal indubitable & indisputable from the constitution the executive & legislative departments would be equally perfect without it; even the names are furnished from the subsequent clauses of the constitution which gives being to these departments. In the Legislative department there are more than twenty clauses employed in its completion. In one, the time of service of their members is fixed—in another how and where they are to be elected—in others, the qualifications—the rights—the officers—rights of voters—the number of members of which they shall consist—where and when the Legislature shall meet &c. every thing in a word necessary to the establishment of the said body and all that is necessary both in form and substance is most minutely and exactly specified in the constitution. In the same way more than twenty clauses are employed in giving birth to the executive department and both these portions of the government leap from the constitution perfectly armed, as Minerva is said to have sprung from the head of Jove. But how have our late Judges represented this matter? They have lopped off in their statement that part of the constitution from which these departments derive every thing, and quote a more formal clause not at all essential, but merely introduced declaring the name under which the department should be known when created by the people

authority. They deal with the people in this as a simpleton of antiquity is said to have done who carried about a trick in his pocket as an exhibition of a fine machine of which he wished to dispose.—When they come to the judiciary, they act still worse, for they suppress all but the half of the one sentence. They quote the clause thus "The judicial power of the commonwealth shall be vested in one supreme court which shall be styled the court of appeals" and here they make a full stop! They were aware that if they had quoted the remainder of the sentence they would have shown that if the supreme court was created by the words "that the judicial power shall be vested therein," that the inferior courts to which these words are equally applicable were also created by the constitution which the repeated practice of the county has forced them to deny; and it would have shown moreover that express power is given to the Legislature to establish all these tribunals which is not the case with regard to any other department of the government. This would at once have destroyed the beautiful analogy which they were at such pains to trim down like Precostes to suit their bed of justice. And what, let it be demanded, becomes of this argument derived from comparing the departments when it is known that two of them are fully and completely prepared for employment in the business of the people by the constitution and the other, the Judiciary barely named;—unprovided with functionaries—even its powers undefined, in a word left a blank! What is the necessary inference from this state of the case? Would it not be fair to presume that after the convention which was a Legislative body had provided a successor in another Legislative body, that it intended that the latter should supply the system of courts, which had not been established by the constitution, to fill the vacant jurisdictions which are therein distinctly pointed out? It would undoubtedly have been the legitimate province of the General Assembly in the execution of its powers, to have created and established the courts even if there had not been, as those surely is a direct authority on the part of the convention which ordained it.

If the ex-judges had been in the Legislature which immediately succeeded the convention and had opposed the passage of the bill "establishing the court of appeals" on the grounds set forth in their address to the people with what contempt would their opposition have been received? If they had said then as they do now, "Gentlemen, you have no right to pass a bill establishing a court of appeals. The court is already established by the members of the convention. If they did not create the court they have not created the General Assembly or governors office." This is the language of the ex-judges. Would not the Legislature have been amazed at such a declaration when they were in the act of supplying the void left by the convention, for the avowed purpose that the part of the government thus committed to the Legislature, might undergo the repeated revision of the representatives of the people and thus be more adequately adapted to the varied and varying condition of the State? What, would George Nicholas who prepared the bill "establishing a court of appeals" have said to the monstrous proposition which the late judges attempt to palm upon the people. Would he not have put an end to such cavils by telling those who urged them that he had long been a practicing lawyer in the country, and that since the convention, no court had any actual existence in it and if that fact was not sufficient, would he not have said in the language of chief justice Marshall (for so great a lawyer might well have anticipated the language of another.) The Legislature are required to create the court as ordained by the constitution. But all further illustration may be saved by reference to a single fact. An inspection of the constitution and the judicial act of the Legislature 1792 will prove, that the provisions which are elaborately furnished in the constitution to create the executive and Legislative departments, are in the case of the Judiciary branch supplied by the Legislature. And therefore the reverse of the proposition of the ex-judges is true, and it may be well said; that if the constitution created the executive and Legislative branches of the government, the General Assembly created the Judiciary.

## LA FAYETTE.

THE GAZETTE.  
THURSDAY.....MARCH 17, 1825.  
TERMS, THREE DOLLARS (CURRENT) PAYABLE IN ADVANCE  
EDITED BY JOHN M. McALLA.

There was no Mail yesterday East of Wheeling.

Leonidas is received and shall appear in our next.

EARL OF LANCASTER'S BULLETIN.  
We have been requested to re-publish this humorous article by so many of our friends in the place, and lately by several subscribers at a distance, that it becomes a duty to obey. It shall appear in our next.

MR. CLAY IN TENNESSEE.  
By the last Nashville Republican, we find that Mr. Clay has been burnt in effigy in one or two places in that state. We are inclined to think that our neighbours are intermeddling with our affairs, when they undertake that business. It is against the people of Kentucky that Mr. Clay has sinned, if he be guilty, and not against our friends in Tennessee. What does Mr. Clay owe that state? He is not its representative? They did not support him for the Presidency, and therefore have no claim on his gratitude! We would barely refer the gentlemen who were engaged in that affair, to the proceedings in the Pittsburgh courts in relation to a similar exploit.

INAUGURAL ADDRESS.  
We give to day the inaugural address of President Adams. It is a good specimen of the productions of a polished and veteran Statesman. We acknowledge that the apprehensions of the West had been excited, by the prospect of Mr. Adams's election from an opinion that his views were hostile to our interest. With the concluding and decisive weight which the West threw into his scale we rest the belief, that his policy towards us will be liberal and grateful; and Mr. Clay's influence in the Cabinet will assist in promoting that course.

LAFAYETTE'S ARRIVAL.  
By a letter received by a lady in this vicinity from Washington City, we are informed, that Mr. Clay stated to the writer, that our "Guest" would be in Lexington about the 23d of April next. He left Washington City on the 24th February,—was to visit the Carolinas, Georgia, Alabama, Mississippi and New Orleans. He would then ascend the Mississippi river, and visit the states bordering on it. His visits would be brief, as he is to be at Roston on the 17th of June, to attend the anniversary celebration of the battle of Bunkers Hill.

It will be seen by referring to our advertising columns, that a meeting of the board of Trustees of this town has been called to take the matter into consideration.

Mr. Kremer has published in the Washington City Gazette, his address to his constituents. It occupies six columns. The editors of the Intelligencer refused to publish it; but say that it has been altered from the shape it had when presented to them; and that it is much less exceptionable. We shall give extracts from it, sufficient to place the merits of his evidence before the public.

Judge Shannon has decided in the Madison circuit court, that licences granted to attorneys by the Ex-court of Appeals, were null and void.

Judge Davidge in the Henry circuit court, has refused to admit to record, an opinion of the court of Appeals, which was authenticated by F. P. Blair, as clerk. He has decided that the old court is the true court of Appeals.

The county court of Woodford we are informed have unanimously refused to admit to their bar an attorney under the license of the old court.

## THE FAYETTE ROAD BILL.

We present to the people of this county, the true road bill, which was brought into the House of Representatives. The source from which it comes is fully entitled to credit; and those who chose to controvert it, have now an opportunity afforded them. Whether the people of Fayette county will feel that weight of gratitude alluded to in a late Reporter to their distinguished representative who claims all the merit of its origin,—or whether they will feel indignant at this attempt to saddle them with FIFTY THOUSAND DOLLARS of DEBT or TAXES, to make a road which would directly benefit only Lexington and a small portion of the county, now remains to be seen. The whole county must have borne the burden of an expenditure, which would be beneficial to a very small part; and in that small, select corps, is to be found the disinterested author of the bill. For it will be recollected that the road would have led by Mr. Wickliffe's valuable farm, two miles S. E. of Lexington.

If there is any mis-statement as to fact in the communication, or the above remarks, we shall be glad to see them rectified, because it is an unintentional one, as regards ourselves, and we believe, also our correspondent.

## DOUBLE TAXES.

There has been a vengeful and unjustifiable attempt by some loud patriots of the minority, to induce the people to believe that their taxes have been doubled indirectly, by an act of the last Legislature. We have been more than once asked for information on this subject, by persons who were honest in their censures of the Legislature for supposed misconduct.

The fact is as follows, and we invite refutation, if incorrect. In some counties in the state, the commissioners valued property in *Specie*, whilst taxes were collected in *currency*. In all the other counties, the valuation and collections were made in *currency*. The evident result of this difference, was that those counties where a specie valuation was made, paid but half the amount of taxes, which the other counties paid, on the same amount of property. The late Legislature, in order to make all parts of the state bear an equal proportion of taxation, passed an act, by which in future, the valuation of property for taxation, is to be made in *currency*, all over the state. This is the true state of the case. Fayette county, now as heretofore is taxed by a valuation in *currency*.

Would Fayette county have been in as good a situation in these hard times, as the rest of the state, had the FAYETTE ROAD BILL PASSED?

## FOREIGN.

### BURMESE WAR

Late accounts received at Paris from the East Indies, announce that the war with the Burmese and the English had taken a serious turn, the former having advanced within a few leagues of Calcutta, which had been deserted by the rich inhabitants in consequence of being seriously threatened by the enemy. There seems to be some truth in this intelligence as we observe that a new levy of 4000 troops had been ordered in England, for the purpose of reinforcing the East Indian army.

The Editors of the New York Gazette have been favoured with the London British Traveller of the 17th ult. This paper contains the following extracts from the Paris papers of the 16th, the preceding day.

CORFU, December 25.  
It is deplorable that among the victorious Greeks, dissensions exist. Among them Pasio Colocotroni has fallen a victim; he perished in a combat near Tripolizza.

### TRIESTE, January 1.

Letters from Corfu of the 15th put aside all doubts respecting the naval combats of the 12th and 13th, in the roads of Candia.

More recent dispatches inform us, that an Egyptian division, wishing to get to Suda, was severely treated by the Greeks.

They write from Constantinople, that the fever has broken out there to an alarming degree; Madame Wood, wife of the English Dragoon, has fallen a victim.

MARRIED.—On the 4th inst by the Rev. N. H. Hall; James I. Miller of Shelby county to Miss Harriet, daughter of Capt Wall of this town.

On the 15th inst by the Rev. N. H. Hall, Mr Presley Atley to Miss Melinda Armstrong both of this place.

On the 10th inst Mason Brown Esq, to Miss Judith Ann, daughter of Judge Bledsoe of this town.

PRICES CURRENT IN SPECIE.		LEXINGTON	LOUISVILLE	N. ORLEANS
[CORRECTED WEEKLY.]				
BAGGING, 10	yd			
RALE ROPE,	lb	4 a	5 a 4	
BACON,	"	3 a 4	4 a 4	
LARD,	"	4 a 5	5 a 6	
WHISKEY,	gal	12 a 15	16 a 17	
HEMP,	lb	2 a 3	2 a 3	

## Botanic Garden.

WANTED a man to quarry stones; also one hired Cedar posts ten feet high; also a cart by the day or job, and some young Cedars, Pines, Evergreens and other trees, shrubs, &c.

Apply to  
JOSEPH FICKLIN P. M.  
LEXINGTON, March 17th, 1825—11-16.

## Land and Negroes For Sale.

IN pursuance to a decree of the circuit court of Fayette county Ky at their February Term 1825, obtained by petition of Peter Moore's heirs: The subscriber appointed by the said court commissioner, to carry into effect the said decree will proceed, to sell, on Friday the 20th day of May 1825, two lots of land, one containing 47 acres and 32 poles the other 42 acres; which land is situated in the county of Fayette on the waters of the North fork of Fikhorn, about ten miles North East of Lexington.

—ALSO—NEGROES.  
Betty and two children Millissy and William; which property descended from Peter Moore, dec'd to Nancy and Blackwell Moore dec'd. The Land is well watered and fertile, the Negroes young and valuable. A credit of 12 months will be given by the purchaser or purchasers giving bond with approved security payable in gold or silver.

THOMAS A. RUSSELL, Com'r.  
March 17 1825—11-2m.

## OFFICIAL PRIZE LIST OF SECOND DAYS DRAWING OF Grand Masome Ball Lottery, SIXTH CLASS.

Which took place at the Court House on Monday the 14th of March, in presence of the Magistrate and others required by law, whose Certificates are filed in the Manager's Office.

Fortunate Nos. drawn from the Wheel:  
1.—No. 29.....2.—No. 21.....3.—No. 13.

The Manager has the honour of announcing the following as the result, agreeably to the programme. The Ticket having for its Combination, Numbers Thirty-one, Twenty-one, and Twenty-nine, has drawn \$530 IN SPECIE!!!

All Tickets having upon them two numbers \$10 each. Every Ticket having one of the above drawn numbers only, have drawn two dollars each.

CASH WILL BE PAID with our usual promptness as soon as the Prize Tickets are presented.

J. M. IRKE Manager.  
Lexington March 14 1825.

## NOTICE.

A N ELECTION for a Trustee to supply the place of A. Dr. C. W. CLOUD, resigned, will be held at the Court House in Lexington on Saturday the 25th of March 1825, to commence at 9 o'clock A. M.

By order of the board of Trustees.  
JOSEPH TOWLER c b t  
Lexington March 17—11-16

## Trustees of Lexington

A CALLED MEETING of the board of trustees will be held this afternoon at 3 o'clock P. M. at the usual place to take such steps as may be thought necessary for receiving GENERAL LA FAYETTE on his expected visit to this place.

By order of the  
CHAIRMAN.  
Lexington March 17, 1825—11-16.

## FOR SALE.

A HOUSE AND LOT in the town of Nicholasville, Jessamine county known by its number, 45. It is opposite the Court house, and adjoining Capt Lightowers tavern. It contains 45 feet in front. Any person wishing to purchase the said lot enquire for particulars as to the terms of sale, of Michael Rice, or of the subscriber.

DANIEL RICE.  
Jessamine county March 17 1825—11-30

## Lexington Library.

THE persons each of whom subscribed fifty dollars, towards the purchase of the Lexington Library, House and Lot, will please to take notice, that the second instalment of their subscription will become due on the 10th of next month.

ALL OTHERS, indebted to the Library either by subscription or for contributions are also requested to make payment in order to enable the librarian to fulfil its contract by paying \$850, specie which will be due at the above date.

By order of the Board of DIRECTORS,  
Lexington March 17 1825—11-30

STATE OF KENTUCKY, )  
FAYETTE CIRCUIT SCT, )  
JOHN GORHAM, COMPLAINANT, )  
VS. )  
ABSLON CAYN'S heirs & others )  
DEFENDANTS.

THIS day came the Complainant by his counsel and it appearing to the satisfaction of the court that the defendant William Armstrong and Polly his wife & Sally Selva are no inhabitants of this commonwealth and they having failed to enter their appearance here, agreeably to law and the rules of this court, on the motion of the complainant it is ordered that unless the said defendants do appear here on or before the first day of our next June term and answer the complainant's bill the same shall be taken for confessed against them and it is further ordered that a copy of this order be inserted in some authorised newspaper published in this commonwealth for two months successively agreeably to law.

A copy test  
THOMAS BODLEY, c. f. c. c.  
(H. KEY, c. a.)

## Edward West Complainant,

AGAINST  
CHANCERY.

WM. H. TEGARDEN & JACOB SHRYOCK DEFTS.

IN pursuance of a decree of the Honourable the Fayette Circuit Court made at the February term 1825 in the above cause, there will be exposed to sale at public auction on the 13th day of April next two valuable lots of Ground situate on Water Street in the town of Lexington at the Upper end of the lower Market House, having thereon two large Brick Houses at present occupied by Messrs. Stephen Young, and Alexander Drennan. They will be sold separately on a credit of two years for lawful money of the United States. Bond with approved security bearing interest from the date will be required from the purchaser. Said property or so much thereof as may be necessary, will be sold to satisfy the Complainant certain sums of money as specified in said decree. The title to the above property is believed to be unquestionable. Sale will take place on the premises at 11 A. M.

JOSEPH TOWLER, Com'r.  
Lex. March 16 1825—11-4





## POETRY.

### EXTRACT

FROM HOGG'S MADON OF THE MOON.

What art thou, Love? or who may thee define?  
Where lies thy bourn of pleasure or of pain?  
No sceptre, graven by Reason's hand, is thine,  
Child of the moistened eye and burning brain.  
Of glowing fancy, and the fervid vein,  
That soft on bed of roses lov'st to rest,  
And crop the flower where lurks the deadly  
bane!  
Oh many a thorn those dear delights invest,  
Child of the rosy cheek, and heaving snow-white  
breast!  
Thou art the genial balm of virtuous youth,  
And point'st where Honour waves her wreath  
on high;  
Like the sweet breeze that wanders from the  
south,  
Thou breathe'st upon the soul, where embryo's  
lie  
Of new delights the treasures of the sky!  
Who knows thy trembling watch in bower o'  
even,  
Thy earliest grateful tear, and melting sigh?  
Oh never was to yearning mortal given  
So dear delights as thine, thou habitant of heaven  
Oh I will worship even before thy dust,  
When my dimmed eye no more thy smile can  
see!  
While this deserted bosom beats, it must  
Still beat in unison with hope and thee!  
For I have wept o'er perished ecstasy,  
And o'er the fall of beauty's early prime!  
But I will dream of new delights to be,  
When moon and stars have ceased their range  
sublime  
And angels rung the knell of all-consuming  
Time!

The rainbow's lovely in the eastern cloud;  
The rose is beautiful on the bended thorn;  
Sweet is the evening ray from purple shroud,  
And sweet the orient blushes of the morn;  
Sweeter than all, the beauties which adorn  
The female form in youth and maiden bloom!  
Oh why should passion ever man suborn  
To work the sweetest flower of Nature's doom,  
And cast o'er all her joys a veil of cheerless  
gloom!

Oh fragile flower! that blossoms but to fade!  
One slip, recovery or recal defeat!  
Thou walk'st the dizzy verge with steps unstead,  
Fair as the habitants of yonder skies!  
Like them thou fallest never more to rise!  
Oh fragile flower for thee my heart's in pain!  
Happily a world is hid from mortal eyes,  
Where thou may'st smile in purity again,  
And shine in virgin bloom, that shall remain.

General Kleber, who had formerly been commander in chief, with a strong opinion of his own desert, and the remembrance of his successful conduct, felt aggrieved at the appointment of another person above him, and with peculiar jealousy that of General Bonaparte, who so young was already his commander. He often took occasion to display his mortification at the situation of a subaltern. It happened on an occasion that Napoleon ordered him to make a particular movement with the corps. Kleber, not disposed to perform this maneuver, from an opinion that it would not succeed, was indiscreet enough to express his disapprobation before the aid-de-camp who had brought him the dispatches. He was in consequence again ordered to proceed to head-quarters. Arriving there he found Napoleon surrounded by his whole staff.

Kleber entered with great animation, and even anger in his countenance, and the staff officers of Napoleon were led to expect a violent interview between the generals. Their attention was naturally turned to the commander in chief, whose slight form, leanness and paleness, and, on the whole, a general air of fatigue, contrasted with the almost heroic personal appearance of Kleber. Napoleon, who perceived the impression on the minds of his staff, with his usual piercing glance changed at once his appearance, and with an unusual animation and brilliancy of tone he called "which of us is here above the other? You, general Kleber, may have that advantage by a head in height. Commit another act of insubordination and you will lose that distinction!—Retire!"

A private letter from Madrid gives the following anecdote of King Ferdinand and the Infanta:—About a twelvemonth back, when the king attended the concert of Lopez, the principal painter, the Infanta expressed a wish to join in the dance, and was preparing to begin when his Majesty told her it was not the etiquette for the Infantas of Spain to dance. "Tis a stupid etiquette," she replied, "and the sooner laid aside the better."

## The Bell Tavern.

On Jefferson street near the Court House.

LOUISVILLE Ky.

Now occupied by the undersigned, where genteel boarders and travelers can have as good accommodations as any in Louisville at the Lexington prices.

AMOS EDWARDS.  
Lexington Ky Feb 10th 1825—10—3m.

By the President of the United States.

In pursuance of law, JAMES MONROE, President of the United States, do hereby declare and make known, that a public sale will be held at the Land Office at Tallahassee, in Florida, on the third Monday of May next, for the disposal of the following lands, viz: Township 1 south of Range 1 west of the Meridian line 2nd 2 north of Range 1 do do Fractional 3 do do 1 2 3 4 and 5 east Township 1 south do do 1 2 3 4 and 5 Township 1 and 2 north do do 1 2 3 4 and 5 Township 3 do do 1 2 3 4 and 5 Township 4 do do 1 2 3 4 and 5 Township 5 do do 1 2 3 4 and 5 Township 6 do do 1 2 3 4 and 5 Township 7 do do 1 2 3 4 and 5 Township 8 do do 1 2 3 4 and 5 Township 9 do do 1 2 3 4 and 5 Township 10 do do 1 2 3 4 and 5 Township 11 do do 1 2 3 4 and 5 Township 12 do do 1 2 3 4 and 5 Township 13 do do 1 2 3 4 and 5 Township 14 do do 1 2 3 4 and 5 Township 15 do do 1 2 3 4 and 5 Township 16 do do 1 2 3 4 and 5 Township 17 do do 1 2 3 4 and 5 Township 18 do do 1 2 3 4 and 5 Township 19 do do 1 2 3 4 and 5 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